

### REMARKS

In the above-mentioned Office action, all of the pending claims, claims 1, 3-5, 7, and 8, were rejected. Claims 1, 4, 5, and 7 were rejected under Section 102(e) over *Rick*. Claim 3 was rejected under Section 103(a) over the combination of *Rick* and *Vaara*, and claim 8 was rejected under Section 103(a) over the combination of *Rick* and *So*. Additionally, the Examiner reiterated the double patenting rejection set forth in an earlier Office Action.

Responsive to the double patenting rejection, a terminal disclaimer is enclosed herewith.

The rejections of the claims are respectfully traversed. Specifically, the Applicant traverses the rejection of independent claims 1 and 5 over *Rick* for the reason that *Rick* fails to disclose the methodology and structure recited in such claims. With respect to exemplary claim 1, the operations of the method are recited to be performed prior to the user equipment camping in a cell and prior to cell selection. The operations of scanning to generate measurement data, generating data for more than one signal per frequency, of identifying a cell that best meets cell selection criteria, of determining whether the identified cell is suitable, and of identifying the cell with the next strongest signal are all performed prior to camp in a cell and prior to cell selection. Apparatus claim 5 recites an analogous arrangement.

In contrast, *Rick* fails to disclose such methodology or structure and, further, suffers from the very problem addressed, and solved, by the recited invention. Namely, *Rick* suffers from the conventional need to rescan when a cell is deemed to be unsuitable.

Paragraph 7 of *Rick*, for instance, states that, "there is therefore a need in the art for techniques to expediently gather information about neighbor cells during cell reselection." The stated aim of *Rick*, therefore, is given as an improvement in the reselection process, more particularly, the time required to gather further information needed for a rescan.

Further review of *Rick* indicates that the approach taken in the disclosure is to detail one of four routes to follow when, after camping on, a cell is subsequently deemed unsuitable. *Rick* requires a "power scan" route in which further data is gathered from which a cell reselection is made. Plainly, therefore, this disclosure is in contrast to, and different than that recited in the claims of the present invention. Not only does *Rick* pertain only to reselection post-camp on, but

*Rick* involves selection using later-gathered data and further rescans. This is the very time-consuming approach that the present invention avoids.

In other words, the recitations in claims 1 and 5 of “when the user equipment is not camped in a cell and prior to cell selection” recites methodology and structure distinguishable over the disclosure of *Rick*.

Figure 3 of *Rick*, and its corresponding description, makes clear that the disclosure pertains to reselection of cells post-camp on. In Figure 3, after initial cell selection noted at step 310, a selected cell is camped onto in step 320. All options for cell reselection in the cited reference must necessarily occur post this camp-in step. Paragraph 5 of *Rick* correspondingly refers to “while camped on a cell, the terminal periodically checks to see if there is a better cell that the terminal can camp on... perform cell reselection while in idle mode...”. Similarly, paragraph 8 makes reference to cell camp-on and states, “thereafter, performs cell reselection...”.

There is no disclosure in *Rick* of, pre-camp-on, identifying from pre-camp-on measurement data, a next strongest cell when an identified cell is deemed unsuitable, all as recited in claims 1 and 5.

With respect to the recitations of claims 1 and 5 of prior to camping in a cell, of generating measurement data from more than one signal per frequency, *Rick* wholly fails to make disclosure of such an operation or analogous structure. While the Examiner makes reference to more than one RF channel in a list, this is not a disclosure of more than one signal per frequency. And, with respect to paragraph 9 of *Rick*, review indicates that the Examiner-noted reference of this section refers merely to the relationship to power scan reselection post-camp-on, not pre-camp-on. And, *Rick* fails to disclose the operation of, prior to camping in a cell, of determining whether the identified cell is suitable. In contrast, in *Rick*, the best suitable cell is selected. That is to say, suitable cells are identified, and then the best is chosen (see paragraph 34 of *Rick*), all as in contrast to the recitations of the present invention.

Additionally, as reselection in *Rick* is only described in relation to post-camp-on, *Rick* fails to disclose the operation of, prior to camping in a cell of when the identified cell is deemed unsuitable, identifying from the measurement data, the cell which is the next strongest cell. C2

based reselection, in which C2 is a path loss criterion parameter of the current camped-on cell is one of the four detailed routes set forth in *Rick*. A second route is non-C2 reselection. Both of these routes involve gathering, post-camp on further measurement data from which to make a selection. In the non-C2 camp on route, paragraph 77 describes the removal from the data list of the current cell. Such a removal is counter to the disclosure of, and recitation in the claims of, the present invention in which data gathered pre-camp-on is used, unaltered. The third route detailed in *Rick* is the power rescan which involves the gathering of data and construction of parallel lists from which to make a reselection. Finally, cell selection is used if the power scan has been used and has not succeeded.

Therefore, not only do these routes disclosed in *Rick* necessitate gathering further information, not using initial scan data only, but further, the information and rescanning is performed post-camp on.

Neither *Vaara* nor *So* were cited for disclosing such operation. And, accordingly, no combinations of these references can be formed with *Rick* to create the invention recited in claims 1 and 5.

As the remaining ones of the dependent claims include all the limitations of their respective parent claims, these claims are believed to be distinguishable over the cited references, alone or in combination, for the same reasons given with respect to their respective parent claims.

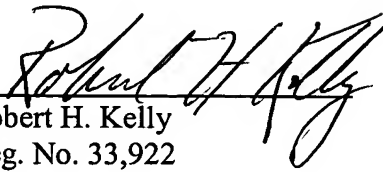
In light of the foregoing, independent claims 1 and 5 and the dependent claims dependent thereon, are believed to be in condition for allowance. Accordingly, reexamination and reconsideration for allowance of these claims is respectfully requested.

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Respectfully submitted,

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